



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN OPPOSITION TO:

**H.B. NO. 6701: AN ACT CONCERNING CHILD ENDANGERMENT WHILE OPERATING
A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS**

JOINT COMMITTEE ON JUDICIARY
April 15, 2013

The Division of Criminal Justice respectfully recommends the Committee take NO ACTION on H.B. No. 6701, An Act Concerning Child Endangerment while Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs. While the Division applauds the intent behind this bill, the reality is that as now worded its enactment would have quite the opposite effect.

Section 1 of the bill establishes a class D felony for driving under the influence (DUI) with a child under age 16 in the vehicle. Such conduct is already prohibited by Section 531-21 of the General Statutes, Injury or risk of Injury to, or Impairing the Morals of, Children. Risk of Injury is a class C felony, punishable by up to ten years' incarceration and/or a fine of up to \$10,000, or twice the maximum period of five years' incarceration provided for a class D felony. Thus the bill in reality *reduces* the maximum possible penalty for driving drunk with a child in the car. Further, as section 1 of H.B. No. 6701 is now written the enhanced class D felony applies only to a first offense. There is no enhanced penalty for a second or subsequent offense (Section 14-227a (g) (2)).

The bill also is inconsistent with regard to the proposed penalties for Manslaughter in the Second Degree with a Motor Vehicle (Section 53a-56b) and Assault in the Second Degree with a Motor Vehicle (Section 53a-60d). Both would become a class B felony if the victim was age 16 or younger. Establishing the same penalty for conduct that results in death or serious injury is inconsistent and could subject the legislation to legal challenge.

In conclusion, the Division of Criminal Justice recommends the Committee take NO ACTION on this bill. We would be happy to answer any questions or provide any additional information the Committee might require. Thank you.